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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/110,069	10/04/2013	Hitoshi Akiyama	YAMA-0411	3192

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EXAMINER

MCCORD, PAUL C

ART UNIT	PAPER NUMBER
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2656

NOTIFICATION DATE	DELIVERY MODE
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04/30/2015

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mail@rkmlp.com

Office Action Summary	Application No. 14/110,069	Applicant(s) AKIYAMA ET AL.	
	Examiner PAUL MCCORD	Art Unit 2656	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/4/13.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 1-6 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-6 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 10/4/13 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☒ All b) ☐ Some** c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 3) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____. | 4) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1-6 rejected under 35 U.S.C. 103(a) as being unpatentable over Brezmes (EP2189915 provided by Applicant) further in view of Delidais: 20110314491.

5. Regarding claim 1, 4-6

Bre teaches:

An information providing system and method comprising:

a sound emission/reception device and method, adapted to emit/receive, as a sound wave, identification information modulated to/from a sound signal (Bre: ¶ 45-56; Fig 1: services table formatted as embedded data upon broadcast signal 108 as a service identity code);

an identification information resolution server that is connected to an information communication network and includes a mapping table (Bre: ¶ 85-87; Fig 2: service provider 101 comprising application server 102 bearing mapped services table 103) in comprising:

identification information (Bre: ¶ 40-53; Fig 1, 2: service table comprises identification codes and address information type actions), and

address information of a content corresponding to the identification information are stored to be associated with each other (Bre: ¶ 40-53; Fig 1, 2); and

a mobile terminal device that includes a sound pickup unit, adapted to pick up the sound wave emitted from the sound emission device (Bre: ¶ 50-56; Fig 1: mobile client 105; demodulates audio input and embedded codes),

a demodulation unit, adapted to demodulate the identification information from the picked up sound wave (Bre: ¶ 50-56),

an identification information resolution unit, adapted to transmit the demodulated identification information to the identification information resolution server and thus acquire the address information (Bre: ¶¶ 45-56; Fig 1, 2: codes demodulated at the mobile client access mapped data upon an application server functional to provide and bill particular mapped services), and

a network access unit, adapted to access the content by using the acquired address information (Bre: ¶¶ 89-93: an identity code provided by a mapped services table executed upon server 102 and/or gateway 104 to deliver the particular mapped service or mapped media to the client device),

wherein the identification information resolution server (Bre: ¶¶ 89-93: server 102 in concert with gateway 104)

receives the identification information from the mobile terminal device (Bre: Fig 2),

refers to the mapping table using the identification information (Bre: ¶¶ 89-93) and returns the address information of a corresponding content to the mobile terminal device (Bre: 86) when the time information is within the range of valid time indicated by the valid time information.

Bre emits particular tones over verifiable time periods thus enables but does not explicitly teach lookup accessed in concert with valid time information indicia comprising ranges of valid time identification information mapped using time information functional to return address information of a content when the time information is within the range of validity.

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In a related field of endeavor Del teaches:

A system and method for rewarding user behavior comprising allowing a user to establish timing identification upon a return channel of a media delivery (Del: Abstract) in a manner sufficient reward user activation of a particular service borne upon a mapped data table and thereby to provide timing data in a particular validity range. (Del: ¶¶ 39-44; Fig 3: advertiser identification comprising trigger parameters such as time and date function to map particular user response information to actions taken upon server within a particular time validity window.) It would have been obvious to one of ordinary skill in the art at the time of the invention to reward user behavior in the manner taught by Del using the Bre taught structures and methods. The average skilled practitioner would have been motivated to do so for the purpose of establishing a loyalty or other user services policies at a radio station, broadcaster etc. and would have expected predictable results therefrom.

6. Regarding claim 2

Bre in view of Del teaches or suggests:

An information providing system and method comprising:

a sound emission/reception device and method, wherein the sound emission/reception device is a broadcasting receiving device, the sound wave is transmitted from a broadcasting station, as a sound wave in a broadcasting program or promo, and the identification information resolution server identifies address information for accessing a content relating to the program or promo, based on the received identification information (Bre: Fig 1, 2); (Del: Fig 1).

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7. Regarding claim 3

Bre in view of Del teaches or suggests:

An information providing system and method comprising:

a sound emission/reception device and method wherein the time information indicates at least one of

time at which the identification information resolution server receives the identification information (Bre: ¶¶ 78-83),

time at which the sound pickup unit of the mobile terminal device picks up the sound wave,

time at which the demodulation unit of the mobile terminal device demodulates the identification information and

time at which the identification information resolution unit of the mobile terminal device transmits the identification information to the identification information resolution server (Del: ¶¶ 39-44).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20110314995 extraction of information embedded in received signal

20120221389 embedded media marketing system

20110246284 demodulation of data functional to access a mapped instruction table

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20040117254 media and advertisement network

8508357 shopper tracking and advertisement system

8930003 extraction of modulated metadata

7324824 data embedded extracted from media upon mesh network

20080049704 extraction of audio fingerprints form received media

20060195861 metadata demodulated from audio stream by networked receiver

20030229900 metadata/hypermedia demodulated from media stream

5612729 audio fingerprint extracted from demodulated signal

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL MCCORD whose telephone number is (571)270-3701.

The examiner can normally be reached on M-F 7:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (571)272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PAUL MCCORD/

Primary Examiner, Art Unit 2656